

Message Text

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ACTION OES-07

INFO OCT-01 ARA-10 IO-13 ISO-00 L-03 EB-08 CA-01
SCS-06 H-01 INR-10 DLOS-09 CG-00 DOTE-00 SS-15
TRSE-00 COME-00 PM-05 CIAE-00 PA-01 ICAE-00
INRE-00 NSCE-00 SSO-00 /090 W
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TO SECSTATE WASHDC IMMEDIATE 0936
INFO AMEMBASSY MEXICO
USMISSION GENEVA

LIMITED OFFICIAL USE SAN JOSE 1858

E.O.11652: N/A
TAGS: EFIS, CS
SUBJECT: GOCR POLICY RE TUNA BOAT SEIZURES

REF: SAN JOSE 1857

1. BECAUSE OF THE UNSETTLED LEGAL ISSUES SURROUNDING THE
RECENT RELEASE OF SEIZED TUNA BOATS AND THE WIDESPREAD
CRITICAL REACTION TO THE RELEASE (SEE REFTEL), IT IS
PROBABLE THAT SHOULD ANOTHER SEIZURE OCCUR AT TXVHIS TIME
BOATS WOULD NOT BE READILY RELEASED.

2. VISITING OFFICIALS OF ZAPATA AND BUMBLE BEE, AFTER
NOTING NEW GOCR CAPABILITY TO PATROL COASTAL WATERS
AND CONSIDERABLE LOCAL CRITICISM OVER RELEASE OF SEIZED TUNA BOATS,
HAVE ADVISED THEIR HOME OFFICES THAT THEIR FISHING FLEETS
SHOULD STAY OUT OF COSTA RICAN 200 MILE PATRIMONIAL
SEA AT THIS TIME.

3. PUBLICLY, AND IN CONVERSATIONS WITH ZQBOFFS, GOCR
OFFICIALS HAVE INDICATED THAT COSTA RICA HAS BOTH THE
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INTENTION AND THE CAPABILITY TO MAINTAIN AN AGGRESSIVE
COASTAL PATROL. WHILE THERE IS TEMPORARY UNCERTAINTY
AS TO THE LEGALITY OF SEIZURES BEYOND 12 MILES
IT IS HIGHLY POSSIBLE THAT GOCR MAY DECIDE THAT
DOMESTIC LAW IS NOT SUPERSEDED OR CONTRADICTED BY
IATTC CONVENTIONS AND RESOLUTIONS. CONSEQUENTLY,
ANY FUTURE SEIZURE COULD RESULT IN FINES AND/OR LENGTHY

PORT DELAYS FOR CAPTURED TUNA BOATS.

4. LAW 5775 OF SEPTEMBER 2, 1975 STIPULATES COST OF BOAT REGISTRY AND FISHING PERMITS. REGISTRY FEE GOOD FOR CALENDAR YEAR IS FIVE DOLLARS PER NET REGISTRY TON IF PERMIT OBTAINED IN DECEMBER, TEN DOLLARS IF OBTAINED DURING THE COURSE OF CY. FISHING PERMITS VALID FOR ONE TRIP OR 60 DAYS COST \$60 PER NET REGISTRY TON FOR TUNA BOATS IN EXCESS OF 400 TONS, \$30 PER TON FOR VESSELS LESS THAN 400 TONS. REGISTRY AND PERMITS MAY BE OBTAINED FROM ANY PERMANENT COSTA RICAN CONSUL OR DIPLOMATIC REPRESENTATION. ARTICLE 6 OF LAW 5775 PROVIDES THAT ILLEGAL TUNA FISHING SHALL BE PENALIZED BY A FINE OF \$100 PER NET REGISTRY TON OF BOAT PLUS CONFISCATION OF CATCH. IN ADDITION, IT APPEARS THAT CAPTAINS AND CREWS MAY BE SUBJECT TO ARTICLE 256, PARA 1 OF THE PENAL CODE WHICH PROVIDES FOR PRISON SENTENCES OF 3 TO 15 YEARS.

5. DEPARTMENT MAY WISH TO ADVISE INDUSTRY OF FOREGOING.

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Message Attributes

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